



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



JAN 26 2009

Mr. Jim Meyer
4101 Perimeter Center Drive, Suite 350
Oklahoma City, OK 73112

Property: United Founders Life Tower, 5900 Mosteller Drive, Oklahoma City, OK
Project Number: 20689

Dear Mr. Meyer:

My administrative review of the decision of the Technical Preservation Services, National Park Service, denying certification of the rehabilitation of the property cited above has been concluded. The administrative review was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. Thank you and your consultant, Steven McQuillin, for meeting with me in Washington on November 7, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the United Founders Life Tower building is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standard 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on July 17, 2008, by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

Constructed in 1963, the United Founders Life Building is a 20-story, decagonal, office tower designed by Hudgins, Thompson, Ball and Associates, to feature a distinctive folded plate roof with a revolving restaurant at the top floor. The building has a strong vertical emphasis due to the detailing of the glass curtain wall and the tiered bays of projecting balconies. In consultation with the National Register of Historic Places staff, a preliminary determination of individual listing was issued on January 15, 2008, indicating that the property marginally met the National Register Criteria for Evaluation and would likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Office (SHPO) as per procedures set forth in 36 CFR Part 60. As of the current date, the building has not yet been listed in the National Register and therefore is subject to an administrative review rather than an appeal.

A preliminary review of the project conducted in July 2007 revealed that portions of the work being conducted on site were potentially violating the Standards for Rehabilitation and a warning was issued.

The Part 2- Description of Work indicated that the project would be phased into two portions, with Phase 1 concentrating on interior renovations to residential portions and the lobby and the exterior work. Phase 2 was to include work to retail portions at the first and top floors and associated tenant improvements.

Photographs submitted with the Part 2 - Description of Work indicated that the work was substantially completed when the application was received by the Oklahoma SHPO for review. The in-progress rehabilitation was found not to meet the Standards owing to the removal of the entire glass curtain wall and metal framing system without documentation of deterioration, as well as the fact that the replacement materials did not match the historic material that was removed, contravening Standards 2, 5, and 6. Standard 2 states: "*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*" Standard 5 states: "*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*" Standard 6 states: "*Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*" The denial letter also noted that the interior had been modified and that all of the interior partition walls, along with an entrance canopy, had been demolished, violating Standards 2 and 5.

At the administrative review hearing, Mr. McQuillan provided additional documentation on the condition of the curtain wall system. He explained that the majority of the windows were suffering from deferred maintenance and a lack of caulk. In an attempt to control the heat gain through the single-pane glass, a previous owner had applied a film to the interior of the window glass, which substantially altered the exterior appearance and was in poor condition, delaminating and cracking throughout. Inspection of the curtain wall framing revealed that it was deteriorated and was not strong enough to support the additional weight of insulated glass. With this additional information, I have determined that the curtain wall was significantly deteriorated and warranted replacement.

With respect to the curtain wall, I have also determined that the design of the original curtain wall is a character-defining feature, integral to the significance of the building. The design of the original curtain wall frame accentuated the vertical mullions by making them wider, with a light finish, while the horizontal mullions were minimized by making them narrower, with a dark finish. The original window glass and spandrel glass were closely matched and detailed to minimize the difference in their visual appearance. The design created a strong vertical emphasis with tall ribbons of dark glass, seemingly unbroken by horizontal joints, separated by pinstripes of light-finish vertical mullions. I have further determined that the new glass curtain wall inappropriately modifies the historic configuration and detailing of the original curtain wall system. The replacement curtain wall differs from the original in several significant ways. The proportion of window glass to spandrel glass was altered by lowering the window sills 15", making the spandrel glass panels nearly square, thus diminishing their former vertical character. The vertical mullions appear to be significantly wider than the originals. While the horizontal mullions do not appear to be significantly wider, they have the same bright finish as the vertical mullions, making them significantly more prominent. The overall impact of these modifications changes the original effect of tall ribbons of glass separated by thin vertical stripes to that of a structural grid with inset glazing. In addition, the new glass does not match the color and reflectivity of the historic glass in the original curtain wall (still in place in a third of the building at the time project was submitted for review) in two aspects. The original glass was specified to have a gray tint, and the spandrel and window panels were treated to match in appearance. The replacement glass has a green tint, with the window glass having a decidedly different appearance from the spandrel glass. The result creates an alternating pattern of light and dark bands wrapping horizontally around the building, diminishing the verticality characteristic of the original design. Similar modifications were made to the curtain walls on the

balconies. I find that these modifications are inappropriate and cause the replacement curtain wall to violate Standard 6, cited above.

Also troubling is the addition of classically-inspired trim at the elevator core within the lobby and residential spaces. This new feature is in direct opposition to the simplicity and lack of elaborate trim detail inherent to the character of the original interior design, contravening Standard 6, cited above.

With respect to the entrance canopy, the justification for the removal of the original entrance canopy due to damage and deterioration was not adequately documented. The entrance was relocated away from its original location relatively soon after the building was completed, leaving the canopy without a use. Removal of the canopy appears to have been motivated more by a desire to better organize the existing site lines and entry points, than due to the condition of the existing material. However, while the demolition of an original feature is never a recommended treatment, I have determined that the demolition of this long-abandoned canopy does not cause the overall impact of the rehabilitation project to fail to meet the Standards. Accordingly, it is not a factor in my decision.

With respect to the interior partitions, at the review hearing, Mr. McQuillan presented evidence that the original floor plans had been altered over time and that the floors did not feature a distinct floor plan. As a result, I have determined that the interior partitions are not character-defining features and that their removal does not violate the Standards. Accordingly, this issue is not a factor in my decision.

While the completed rehabilitation cannot be approved, it can be brought into conformance with the Standards, and thereby achieve the requested certification, if the following remedial work is undertaken. Essential to achieving certification is restoring the visual character of the original curtain wall system. I believe this can be achieved by modifying the replacement curtain wall so that it matches the visual qualities of the original design to the maximum extent possible. The window glass and spandrel glass must be modified so that they retain the uniform and relatively dark tone characteristic of the original. This may be achieved by the application of exterior films tinted so that the uniform tone and gray tint of the original glazing are replicated, or it may require the installation of new glass. Please note that it is more important to match the uniform tone than to match the original gray tint. The vertical mullions can be made to more closely resemble their original width by darkening the glass stops to match the tone of the adjacent glazing. Similarly, the horizontal mullions can be darkened to match the tone of the adjacent glazing, as in the original design. Darkening the horizontal mullions will have the further benefit of minimizing the impact of lowering the sill height of the windows and modifying the configuration of the balcony curtain walls. These changes will restore the visual character of the curtain wall system sufficiently to comply with the Standards. In addition, the classically-inspired trim in the public spaces, including the elevator lobbies on each floor, must be replaced with trim matching the simple profiles and finishes of the original trim.

If you choose to proceed with the corrective measures described above, I strongly urge you to create a mock-up of any proposed changes to the curtain wall and to submit an amendment to the Part 2-Description of Work for all of the proposed changes to Technical Preservation Services, National Park Service, Attention: Jen Murdock, with a copy to the Oklahoma Historical Society. Note that this decision only applies to the issues that TPS cited as causing the denial of certification. TPS will require information regarding all new construction proposed for the site, including the proposed parking garage, any new buildings, any site and landscape improvements, and any tenant build-out requirements. All the work listed above, and the work that is to be part of Phase 2, will require review.

Also, please note that this project will remain ineligible for the tax incentives until it is both listed in the National Register of Historic Places and designated a "certified rehabilitation" following completion of

all phases of the project. Listing in the National Register is a separate process. You should check with the Oklahoma SHPO to ensure that this process is underway.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns", with a long, sweeping horizontal line extending to the right.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: Mr. Steven McQuillan, 31156 Detroit Road, Westlake, OH 44145
SHPO-OK
IRS